

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

TYRUS TILLMAN

PLAINTIFF

V.

CIVIL ACTION NO. 3:23-CV-3028-DPJ-ASH

SHERIFF MIKE LEE

DEFENDANT

ORDER

Tyrus Tillman, a pretrial detainee being held at the Scott County Jail, filed this petition for writ of habeas corpus challenging his detention. Defendant moved to dismiss the petition [22]. United States Magistrate Judge Andrew S. Harris recommended granting the motion to dismiss. R&R [32].

The Report and Recommendation issued on April 23, 2024, and Tillman had fourteen days to object. Fed. R. Civ. P. 72(b)(2); *see* R&R [32] at 8 (advising Tillman of deadline). On May 17, 2024, the Court, in response to an unsigned letter from Tillman inquiring about the status of his case, extended the deadline to object to June 5, 2024. Order [34]. Tillman did not object.¹

“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72(b) advisory committee’s note (1983), *quoted in Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996) (en banc), *superseded on other grounds by* 28 U.S.C. § 636(b)(1) *as*

¹ On May 23, 2024, the Court received mail from Tillman consisting of a copy R&R [32] and a copy of the Notice of Electronic Filing for the R&R (mailed to Tillman on April 23). *See* Mail [35]. Tillman signed pages four and eight of the R&R, on the line above footnotes one and two. *Id.* at 5, 9. He did not make any argument or statements; he merely added his signature.

noted in Alexander v. Verizon Wireless Servs., L.L.C., 875 F.3d 243, 248 (5th Cir. 2017). Finding no clear error, the Court accepts the well-reasoned recommendation of Judge Harris.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of United States Magistrate Judge Andrew S. Harris is adopted as the finding and holding of this Court.

Defendant's motion to dismiss [22] is granted. The Court (1) dismisses with prejudice Tillman's claims seeking dismissal of the charge against him and his immediate release and (2) dismisses without prejudice for failure to exhaust any claims seeking an order forcing the state to bring him to trial.

A separate judgment will be entered as required by Federal Rule of Civil Procedure 58.

SO ORDERED AND ADJUDGED this the 14th day of June, 2024.

s/ Daniel P. Jordan III
CHIEF UNITED STATES DISTRICT JUDGE